

Decision Notice and Finding of No Significant Impact

Valle Osha Allotment Management Plan

USDA Forest Service
Pecos/ Las Vegas Ranger District, Santa Fe National Forest
San Miguel County, New Mexico

Decision

Based upon my review of the alternatives and environmental consequences described in the Environmental Assessment for Five Range Allotments (EA) and substantive comments submitted, I have decided to approve the grazing management strategy for the Valle Osha Allotment developed as Alternative 3 (Proposed Action) (EA, pp. 5 - 12). The grazing management strategy for the Valle Osha Allotment is in the table below and on the attached map.

Grazing Management Strategy - Valle Osha Allotment	
Total Acres	8,957
Total Grazed Acres (approx)	1,388
Pastures	1. Valle Osha 2. Manzanares 3. Osha 4. Ojitos
Grazing System	Four pasture deferred rotation
New facilities -Spring developments -Corrals -Fences -Cattle guards	1 spring repair 1.75 miles 2 cattle guards
Total facilities -Spring developments -Corrals -Fences -Cattle guards	3 springs 10.7 miles 2 cattle guards
Maximum Grazing Season	6/15-9/30
Minimum Grazing Season	6/1-9/30
Max/ Min AUM (1 cow-calf pair for 1 month)	407/56
Number of Cattle	77

Reasons for My Decision

In making my decision, I looked at the environmental consequences analyzed in the EA and reviewed and considered substantive comments from the public (discussed below under Public Involvement).

After reviewing the EA, I decided that Alternative 2 (No Grazing) would not be a suitable choice. Continuing to allow grazing will contribute to the socio-economic needs associated with traditional grazing in northern New Mexico (Forest Plan, pp. 17, 82; FSM 2202.1); Alternative 2 (No Grazing) would not meet these needs. Further, the difference in the environmental consequences between Alternative 2 (see EA, pp. 18-19 and Chapter 3) and the others was not substantial enough to warrant choosing it in the face of this economic and traditional use of the Forest.

Next, I considered the differences in the environmental consequences of Alternatives 1 (No Change) and 3 (Proposed Action). It is clear that the proposed range facilities and rotational grazing system would serve to maintain or promote range condition over time. While range conditions are currently in excellent shape without these facilities, there is a risk that, without them, range conditions could become less desirable over time.

Other Alternatives Considered

In addition to the selected alternative, I considered two other alternatives. The following is a summary of the differences between the selected alternative and the other alternatives. A detailed comparison of these alternatives can be found in Chapter 2 of the EA.

Alternative 1 (No Change)

This alternative would not construct any of the range facilities proposed to improve livestock distribution. Livestock would continue to move toward the northern end of the allotment without spending enough time in the southern portion.

Alternative 2 (No Grazing)

This alternative would not allow livestock grazing. This alternative does not meet the Purpose and Need for the proposed activity.

Public Involvement

In November 2003, the proposed project was listed on the Santa Fe National Forest's Schedule of Proposed Actions, which is distributed to numerous individuals and is available on the Forest's website (<http://www.fs.fed.us/r3/sfe/projects/projects/>). Meetings were held with the allotment permittees in December 2003. On March 25, 2004, a scoping letter was mailed to 150 individuals, organizations, tribes, and pueblos; we received six written responses. No key issues were identified during scoping.

On August 2, 2004, the proposed action, alternatives, and preliminary effects analysis were again mailed to the 150 recipients, and a legal notice inviting public comment was published in the Albuquerque Journal on August 4, 2004. The public comment period ended September 7, 2004. Four responses were received during the 30-day public comment period. I reviewed all responses from the comment period and identified those that were substantive (project record).

Issues brought up in the comment letters were largely addressed by the EA: suitability for grazing (EA, p. 12), effects from cattle grazing in riparian areas (EA, pp. 22-35, 44-45), and upland water developments (EA, pp. 54-117). Wildlife-friendly fencing was requested by several

commenters; Forest Service fencing standards are compatible with wildlife (FSH 2209.22 R-3). The remainder of the comments were answered and are located in the project record.

Findings Required by Other Laws and Regulations

This decision to implement the grazing management strategy defined by Alternative 3 (Proposed Action) is consistent with the intent of long-term goals and objectives of the Forest Plan (Forest Plan, pp. 17-24). This project was designed in conformance with the Land and Resource Management Plan's standards and guidelines for Management Areas A, B and E (Forest Plan, pp. 98-105, 117-120).

The project is in compliance with the National Forest Management Act and other applicable laws and regulations guiding National Forest System land and resource management. A detailed discussion of NFMA compliance points, as outlined in the Code of Federal Regulations (CFR) 36 CFR 219.27(a) through 219.27(g), is found in the project file.

The decision is in compliance with Executive Orders addressing floodplains (EO 11988) and wetlands (EO 11990). No floodplains or wetlands will be impacted by this project (EA p. 15, 29, 33-35).

No group of people, including racial, ethnic, or socio-economic, would be expected to bear a highly disproportionate share of negative consequences from this action EO 12898, Environmental Justice (EA, p. 129-130).

FINDING OF NO SIGNIFICANT IMPACT

After considering the environmental effects described in the EA, I have determined that implementing the grazing management strategy defined in Alternative 3 (Proposed Action) will not have a significant effect on the quality of the human environment considering the context and intensity of impacts (40 CFR 1508.27). Thus, an environmental impact statement will not be prepared. My decision is based on the findings described in the next two sections.

Context

The environmental context of this project is the Valle Osha Allotment on the Pecos/Las Vegas Ranger District. The societal context of this project is within the zone of influence of the Santa Fe National Forest Plan, and as such, does not have regional or national effects. Specifically, the lands affected by this decision are limited to the specific allotment analyzed for continued livestock grazing on the Valle Osha Allotment.

Intensity

1. Impacts that may be both beneficial and adverse.

There will be no significant beneficial or adverse effects associated with this proposal (EA, Chapter 3 and project record, specialists' reports).

2. The degree to which the proposed action affects public health or safety.

There will be no significant threat to public health and safety under Alternative 3 (Proposed Action). There are no reports of cattle harming people on the forest, so continuing grazing at the existing level would not threaten public safety. Likewise, there is no evidence that grazing cattle cause harm to public health (EA, Chapter 3).

3. Unique characteristics of the geographic area such as proximity to historic or cultural resources, park lands, prime farmlands, wetlands, wild and scenic rivers, or ecologically critical areas.

There will be no significant effects on unique characteristics of the area. Historic and cultural resources will be protected (EA, p. 15, 119-122). The project is not located near park lands, prime farmlands, wild and scenic rivers, or ecologically critical areas. Wetlands and riparian soils will be protected by mitigation measures (EA, p. 15) and the grazing management strategy and range facilities (see table above).

4. The degree to which the effects on the quality of the human environment are likely to be highly controversial.

The effects on the quality of the human environment will not be highly controversial because grazing has occurred on National Forest System lands for decades, and the effects are well documented (EA, Chapter 3). The predicted environmental effects are based on known effects of actual management practices in this area.

5. The degree to which the possible effects on the human environment are highly uncertain or involve unique or unknown risks.

The District has considerable experience in managing grazing on the national forest. The effects analysis shows the effects are not uncertain, and do not involve unique or unknown risk (EA, Chapter 3).

6. The degree to which the action may establish a precedent for future actions with significant effects or represents a decision in principle about a future consideration.

This project does not establish a precedent for future actions that may have significant effects; nor does it represent a decision in principal about a future consideration. This project is similar to other grazing management proposals, such as the Chiquito, Gurule, Llaves, Ojitos, and Pollywog Allotments on the Cuba Ranger District, that have been implemented by the Forest Service for the last several decades. Any future actions proposed by the Forest Service not specifically identified and analyzed in this EA would be evaluated separately through the NEPA process to determine the site-specific environmental effects.

7. Whether the action is related to other actions with individually insignificant but cumulatively significant impacts.

As disclosed in Chapter 3 of the EA (pp. 25, 35-36, 45, 117, 122, 129), the project will not result in any cumulatively significant impacts. No other past, present, or reasonably foreseeable future actions in the area will combine with the effects of Alternative 3 to cause any cumulatively significant impacts.

8. The degree to which an action may affect districts, sites, highways, structures, or objects listed in or eligible for listing in the National Register of Historic Places or may cause loss or destruction of significant scientific, cultural, or historical resources.

Alternative 3 will not adversely affect properties listed in, or eligible for listing in, the National Register of Historic Places, nor will it cause the loss or destruction of significant scientific, cultural, or historical resources (EA, pp. 119-122). Appropriate consultation with the State Historic Preservation Officer under Section 106 of the National Historic Preservation Act for this project has been completed (project record).

9. The degree to which the action may adversely affect an Endangered or Threatened species or its habitat that has been determined to be critical under the Endangered Species Act of 1973.

The project will not adversely affect any listed or proposed Endangered or Threatened species or their habitats on the Valle Osha Allotment (EA, pp. 46-117). In addition to the EA, a biological assessment/biological evaluation (BA/BE) that supports this finding has been prepared for the Proposed Action (project record).

10. Whether the action threatens a violation of Federal, State, or local law or requirements imposed for protection of the environment.

Alternative 3 will not violate any Federal, State, or local laws or requirements imposed for protection of the environment. It complies with the standards and guidelines set forth in the Santa Fe National Forest Plan.

Implementation Date

Implementation of this decision may occur five business days after the close of the appeal filing period if no appeal is filed. If an appeal is received, implementation may not occur until 15 days following the date of the disposition of the last appeal filed.

Administrative Review or Appeal Opportunities

This decision is subject to appeal in accordance with 36 CFR 215. A notice of appeal must be in writing and fully consistent with 36 CFR 215.14. Appeals must be filed within 45 days following the date of publication of the legal notice of this decision in the Albuquerque Journal. The publication date of the legal notice in the Albuquerque Journal is the exclusive means for calculating the time to file an appeal; those wishing to appeal should not rely upon dates or timeframes provided by any other source. Individuals or organizations that submitted substantive comments during the comment period may appeal this decision (36 CFR 215.6). The appeal must be filed with the Appeal Deciding Officer by regular mail, fax, e-mail, hand-delivery, express delivery, or messenger service.

Please submit appeals to:

Gilbert Zepeda
Appeal Deciding Officer / Forest Supervisor
Santa Fe National Forest
P.O. Box 1689
1474 Rodeo Road
Santa Fe, NM 87504-1689
Fax: (505) 438-7834
E-mail: appeals-southwestern-santafe@fs.fed.us (.doc, .rtf or .txt formats only)

If hand delivered, the appeal must be received at the above address during business hours (Monday – Friday 8:00 am to 4:30 pm), excluding holidays. The appeal must have an identifiable name attached or verification of identity will be required. A scanned signature may serve as verification on electronic appeals.

When no appeal is filed within the 45-day time period, implementation of this decision may begin on, but not before, the 5th business day following the close of the appeal filing period.

Contact

For additional information about this decision or the Forest Service appeal process, contact Julie True, Pecos/Las Vegas Ranger District, Santa Fe National Forest, P.O. Drawer 429, Pecos, NM 87552, 505-757-6121.

JOSEPH G. REDDAN
District Ranger
Pecos/ Las Vegas Ranger District

Date

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Grazing Management Strategy – Valle Osha Allotment